

RESP RECEIVED

JUN 29 2009

NOTICE OF PRELIMINARY FINDINGS

FACILITY NAME: BES INDUSTRIAL SERVICES INC.
ADDRESS: 6738 6TH STREET SW
CEDAR RAPIDS, IOWA 52404
EPA ID NUMBER: NONE DATE: 06/16/2009

NOTICE: I am not an employee of the Environmental Protection Agency ("EPA"). I am a contractor for EPA retained to conduct compliance evaluation inspections. The following is a list of observations/recommendations found during this inspection which will be reported back to EPA. This is not to be construed as a complete list of observations/recommendations. The EPA will be evaluating the report prepared as a result of this inspection and making the determinations as to what violations may have occurred at your facility.

1. FAILURE TO LABEL A CONTAINER OF USED OIL AS "USED OIL"
279.22 (C)(4) 40 CFR 279.22 (C)(1)
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____

If you have any questions regarding these findings please contact _____

The undersigned person hereby acknowledges receipt of a copy of this document and has read the same.

PRINTED NAME: Todd Pender TITLE: _____

SIGNATURE: Todd Pender

This document was prepared by CLIFFORD ALAN NELLES

494043



RCRA

REGION 7 - RCRA - EPA INSPECTION CONCLUSION DATA SHEET (ICDS) 2005 Form

* Data elements required for Inspection Conclusion Data Sheet reporting
Data elements that do not have asterisks are optional

Inspectors Name: CLIFFORD ALAN NELLES

Phone No.: 816-448-3254

1. *Compliance Activity Type: Compliance Inspection

2. *Compliance Monitoring Activity Name: (Facility Name): Copy from Facility Name in #5 below

3. *Compliance Monitoring Type: Circle ONLY ONE of the following choices: (RCRA Hazardous Waste)

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Case Development Inspection (CDI)

Citizen Complaint Inspection

Compliance Evaluation Inspection (CEI)

Compliance Sampling Inspection (CSI)

Compliance Schedule Evaluation (CSE)

Comprehensive Ground Water Monitoring Evaluation (CME)

Corrective Action Oversight (CAO)

Focused Compliance Inspection (FCI)

Follow-up Inspection

Illegal Operators Inspection

RCRA Laboratory Audit Inspection (LAI)

Non-Financial Record Review

Operation and Maintenance Inspection (OAM)

4. * Region: 07

RCRA ID Number: NONE

5. *Facility Name: BES INDUSTRIAL SERVICES INC.

*Street Address: 6738 6th STREET SW

*City, State, Zip: CEDAR RAPIDS, IOWA 52401

6. - 7. ** Date of Inspection: Begin: 06/16/2009 End: 06/16/2009 (mm/dd/yyyy)

8. *Federal Statutes: RCRA - Resource Conservation and Recovery Act

9. *Sections:

Circle one or more
of the sections that
authorize the
compliance inspection
or evaluation

- 3002 Standards Applicable to Generators of Hazardous Waste
- 3003 Standards Applicable to Transporters of Hazardous Waste
- 3004 Hazardous Waste Treatment, Storage and Disposal Standards
- 3005 Permits for Treatment, Storage, or Disposal of Hazardous Waste
- 3010 Notification of Hazardous Waste Activity
- 3014 Restrictions on Recycled Oil
- 3017 Export of Hazardous Waste
- 3020 Interim Control of Hazardous Waste Injection
- 7003 Imminent Order: Solid or Hazardous Waste

10. *Citations: circle all citations of 40 CFR that were inspected: 261, 262, 263, 264, 265, 266, 268, 270, 273, 279

11. *SIC (4-digit) _____ or NAICS Code (up to 6-digit): 4 2 3 9 3 0 (Enter one or more)

12. *Compliance Monitoring Action Reason: (Circle one or more of the following)

Agency Priority (i.e. Regional & National Initiatives)

Core Program (i.e. LQG, TSD & Fed Fac)

Selected Monitoring Action

Random Evaluation or Inspection (i.e. follow-ups)

Citizen Complaint/Tip

13. *Compliance Monitoring Agency Type: EPA

14. Compliance Monitoring Action Outcome: Check one (if known at the time of the activity):

Immediately corrected X No compliance monitoring (access denied) _____ No violation _____
No compliance monitoring (facility shutdown) _____ Not immediately corrected _____ Under review _____

15. **Did you observe deficiencies (potential violations) during the on-site inspection? ☒ Yes ☐ No
N/A cannot be a response.

16. **If you observed deficiencies, did you communicate them to facility during the inspection? ☒ Yes ☐ No
N/A cannot be a response.

17. ****Deficiencies Observed:**

Check one or more of the following:

- ☐ Potential excess emissions in violation of regulations
- ☐ Potential failure to complete or submit a notification, report, certification, or manifest
- ☐ Potential failure to follow a permit condition(s)
- ☐ Potential failure to follow a required sampling or monitoring procedure or laboratory procedure
- ☐ Potential failure to follow or develop a required management practice or procedure
- ☒ Potential failure to identify and manage a regulated waste or pollutant in any media
- ☐ Potential failure to maintain a record or failure to disclose a document
- ☐ Potential failure to maintain, inspect or repair equipment including meters, sensors, and recording equipment
- ☐ Potential failure to obtain a permit, product approval, or certification
- ☐ Potential failure to report regulated events such as spills, accidents, etc.
- ☐ Potential incorrect use of a material (e.g., pesticide, waste, product, etc.) or use of improper or unapproved material
- ☐ Potential violation of a compliance schedule in an enforceable order

18. ****Did you observe or see the facility take any actions during the inspection to address the deficiencies communicated to the facility?** ☒ Yes ☐ No

If YES, check only the action(s) actually observed/seen or write in a short description of the action in the "optional" section.
(Check all that apply)

Action(s) taken

- ☐ Complete(d) a Notification or Report
- ☐ Correct(ed) Monitoring Deficiencies
- ☐ Correct(ed) Record Keeping Deficiencies
- ☐ Implemented New or Improved Management Practices or Procedures
- ☒ Improved Pollutant Identification (e.g., Labeling, Manifesting, Storage, etc.)
- ☐ Reduced Pollution (e.g., Use Reduction, Industrial Process Change, Emissions or Discharge Change, etc.)
- ☐ Request(ed) a Permit Application or Applied for a Permit
- ☐ Verified Compliance with Previously Issued Enforcement Action - Part or All Conditions

19. **Did you provide general compliance assistance in accordance with the policy on the Role of the EPA Inspector in Providing Compliance Assistance During Inspections?** ☒ Yes ☐ No

20. **Did you provide site-specific compliance assistance in accordance with the policy on the Role of the EPA Inspector in Providing Compliance Assistance During Inspections?** ☒ Yes ☐ No

Note: This form does **not** require EPA inspectors to provide compliance assistance.

21. **Optional Information:** Describe actions taken by the facility or assistance provided to the facility: _____

EPA Form 3540-39

22. **For Data Entry Staff Use Only:**

Date and initials of person entering data into ICIS (mm/dd/yyyy): _____

IA. LETTER OF COMPLIANCE AFTER NOV ISSUED

Todd Pender
Plant Manager
BES Industrial Services, Inc.
6738 6th Street SW
Cedar Rapids, Iowa 52401

OK
8/9/09

Dear **Mr. Pender**:

RE: **BES Industrial Services, Inc**
Cedar Rapids, Iowa
RCRA ID No. IAD074880444

On June 16, 2009, a representative of the U. S. Environmental Protection Agency (EPA) inspected your facility. The inspection was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act (RCRA).

A Notice of Violation (NOV) was issued to your company during the inspection. I have reviewed your June 17, 2009, response to the NOV and determined that it adequately addresses the violation listed in the NOV. Therefore, no further submittals are required at this time. Please note that EPA reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of this inspection, regardless of whether the violations were subsequently corrected.

I would like to remind you that your facility is responsible for maintaining compliance with all applicable hazardous waste regulations. If there are any questions regarding this matter, please contact James Terry working under a grant at EPA at (913) 551-7958.

Sincerely,

Edwin G. Buckner, PE
Compliance Officer
RCRA Enforcement and State Programs Branch

cc: Chief, Iowa Geological Survey and Land Quality Bureau,
Iowa Department of Natural Resources

bcc: Gary Witkovski, ENSV

RESP
Terry

RESP
Buckner